IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 36124 of 1998

Between:

K.Nirmala Devi W/o Sri Gopala Krishna Murthy`
Sheristadar, Senior Civil Judge's Court,
Nuzvid, Krishna District.

..... PETITIONER

AND

1 District & Sessions Judge,
Krishna, Machilipatnam.
2 Registrar (Administration),
High Court of A.P, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction more particularly one in the nature of writ of Certiorari to call for the records relating to and connected with the order of the 1st respondent Dt 04-09-1997 as confirmed by the order of 2nd respondent dt. 04-08-1998 and quash or set aside the same.

Counsel for the Petitioner:MR.D.V.SITARAMAMURTHY

Counsel for the Respondents.: SMT.M.BHASKARA LAKSHMI

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

The petitioner was posted as Head clerk in the court of I Additional District Judge, Krishna District at Machilipatnam. She was departmentally proceeded against for dereliction of duty as regards her functioning as Head clerk in the court of the I Additional District Judge, Krishna. Number of charges were framed, enquiry proceeded and due opportunity was given to the petitioner. On submission of the enquiry report, it was accepted by the District Judge, Krishna. Petitioner was found guilty of dereliction of duty and misconduct covered by charges except charge No.11. Her explanation was found to be not satisfactory and therefore, punishment was imposed on her of stoppage of two annual increments with cumulative effect. Her appeal against the said order also failed. Challenge in this petition is to the said two orders.

Challenge to the departmental proceedings is that they are conducted in an arbitrary and illegal manner in violation of principles of natural justice, charges are vague and punishment is disproportionate to the charges.

We have gone through the record and we find from the record that petitioner was duly served with charges, her written statement was examined, enquiry proceeded in accordance with law and sufficient opportunity was afforded to the petitioner. She availed of the opportunity. On receipt of the enquiry report, copy was supplied to the petitioner and she filed her reply, which was duly considered and explanation was found to be not satisfactory. As such there is no procedural irregularity in conduct of the proceedings and for that reason, there cannot be any interference with the orders passed finding the petitioner guilty.

However, on the proportionality of punishment, what we find from the charges is that the charges are of a petty nature and are not serious enough to warrant

imposition of such a harsh penalty of stoppage of two increments with cumulative effect. It can be said that the petitioner was little lethargic in discharge of her duties. Instead of disposing of the assigned work within the stipulated period, it appears that petitioner did discharge her duties but slightly beyond the time stipulated by the judicial officers. This aspect was not examined when appeal was preferred by the petitioner. Though there was dereliction of duty on her part, but it was not a case of deliberate defiance of the orders but every effort was made by the petitioner to cope with the work but she was unable to proceed with utmost haste or with speed. She acted with lethargy. As such, we are of the view that the punishment imposed upon the petitioner deserves to be modified.

Writ petition is accordingly allowed to the extent that punishment imposed upon the petitioner is modified with that of stoppage of two increments **without** cumulative effect. Ordered accordingly.

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DEVINDER GUPTA, CJ

18-8-2004

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C.V.RAMULU, J

Tvr

To

1 District & Sessions Judge,
Krishna, Machilipatnam.
2 Registrar (Administration),
High Court of A.P, Hyderabad.

3 2 CCs to the Standing Counsel for the High Court of A.P., High Court

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